

# BARNES & THORNBURG LLP

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## ***IN THE UNITED STATES PATENT AND TRADEMARK OFFICE***

<i>Customer No.</i>	23643	}	
		}	
<i>Group:</i>	1632	}	
		}	
<i>Confirmation No.:</i>	6418	}	
		}	
<i>Application No.:</i>	10/500,511	}	ELECTRONICALLY FILED:
		}	<u>SEPTEMBER 24, 2009</u>
<i>Invention:</i>	BIOMATERIAL DERIVED FROM VERTEBRATE LIVER TISSUE	}	
		}	
<i>Inventor:</i>	Stephen F. Badylak et al.	}	
		}	
<i>Filed:</i>	June 30, 2004	}	
		}	
<i>Attorney Docket:</i>	3220-72178	}	
		}	
<i>Examiner:</i>	CHEN, SHIN LIN	}	

### **SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Mail Stop RCE  
Director for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This Statement is filed in the application identified above pursuant to 37 C.F.R. § 1.56 and pursuant to the holding of the Federal Circuit Court of Appeals in the case *Dayco Products, Inc. v. Total Containment, Inc.*, 329 F.3d 1358, 66 U.S.P.Q.2d 1801 (Fed. Cir. 2003). In *Dayco*, it was held that a rejection of a substantially similar claim in a co-pending United States application being examined by another examiner is considered material to patentability. In an abundance of caution, and without any admission that the claims of the following applications are substantially similar, applicants are advising the Examiner of U.S. Patent Application Nos. 12/349,254 (now U.S. Patent Publication No. 2009/0123511),

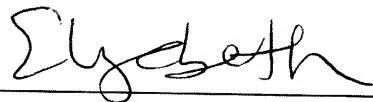
10/728,033 (now U.S. Patent Publication No. 2004/0191226), 10/728,291 (now U.S. Patent Publication No. 2004/0187877), 10/428,355 (now U.S. Patent Publication No. 2003/0216812), 10/134,416 (now U.S. Patent Publication No. 2002/0160052; U.S. Patent No. 6,793,939), 10/775,386 (now U.S. Patent No. 7,482,025), and 09/319,781 (now U.S. Patent No. 6,379,710). The undersigned hereby acknowledges that the Examiner has access to the file histories of the above-listed applications and no copies of the issued office actions are being submitted with this Information Disclosure Statement. However, if the Examiner would like Applicants to provide copies of any file history documents, we will be glad to do so.

In accordance with 37 C.F.R. § 1.98(a)(2), no copies of the cited U.S. references are provided. A copy of each cited non-patent reference and each foreign patent are provided for review by the Examiner. No representation is intended that a complete search has been made of the prior art or that no better art references than those listed on the attached PTO Form 1449 are available. The filing of this Statement shall not be construed to be an admission that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

If any fees are required, the Director is hereby authorized to charge the same to our Deposit Account No. 10-0435, with reference to our matter 3220-72178.

Respectfully submitted,

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